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July 10, 2023

**VIA EMAIL & ECF FILING**

United States Magistrate Judge Edward S. Kiel  
Frank R. Lautenberg U.S. Post Office & Courthouse Building  
2 Federal Square  
Newark, NJ 07102

Re: John Doe v. Baila Sebrow  
United States District Court, District of New Jersey  
Case No.: 2:21-cv-20706

Dear Magistrate Judge Kiel,

As the Magistrate Judge is aware, I represent the Defendant in the above referenced matter.

As per your Order issued on June 2, 2023, the parties were directed to produce a joint letter, advising of the status of discovery, any pending motions, and any other issues to be addressed. I contacted Mr. Szalkiewicz yesterday in that regard, and Mr. Szalkiewicz volunteered to write the letter. Mr. Szalkiewicz sent me his joint letter draft this evening, which I will supplement. My comments will be identifiable in the letter as those written in italics.

Thank you.

Respectfully submitted,



Ira W. Heller, Esq.

cc: Daniel Szalkiewicz, Esq.  
*Attorney for Plaintiff*

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& Associates

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July 9, 2023

**Via ECF and Email**

United States Magistrate Judge Edward S. Kiel  
Frank R. Lautenberg U.S. Post Office & Courthouse Building  
2 Federal Square  
Newark, NJ 07102

***Re: John Doe v. Baila Sebrow***  
***United States District Court, District of New Jersey***  
***Case No.: 2:21-cv-20706***

Dear Magistrate Kiel,

We submit this joint letter pursuant to the Court's June 2, 2023 Court Order.

To date, defendant Sebrow ("Defendant") has refused to comply with this Court's June 2, 2023 Order and the Court's June 20, 2023 text order.

**(Ira Heller comment:** *Respectfully, Mr. Szalkiewicz characterization is incorrect, since the Magistrate Judge is surely aware that an objection was filed in regard to the Order, to the extent that the Order presents issues related to a potential breach of attorney/client privilege, issues of privacy, and 4<sup>th</sup> amendment issues. Along with my request for a review of this Order by the District Court Judge, I explicitly offered to proceed with ESI discovery with Mr. Szalkiewicz with appropriate safeguards in place so as not to have my objection viewed as a delay tactic, rather than as a genuine effort to safeguard my client's constitutional rights).*

**(Szalkiewicz continues)** The Plaintiff has chosen iDS as the company to collect the ESI discovery from Defendant. Defendant has not appeared virtually to begin the ESI discovery process, nor has she provided access to her devices to be imaged

**(Ira Heller comment:** *I understand that the Court granted Mr. Szalkiewicz the choice of whom the forensic expert shall be. However, this same company chosen by Mr. Szalkiewicz to serve as the middle-man in this transaction has already appeared in the Essex County matter as an*

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*expert witness, and should therefore be considered ineligible to serve in a role which requires a neutral third party).*

**(Szalkiewicz continues)** On July 5, 2023, Defendant submitted a letter to Judge Farbiarz objecting to the June 2 and June 20 Orders. On July 7, 2023, plaintiff opposed the application.

**(Ira Heller Comment:** *Accordingly, I respectfully request the Magistrate Judge's indulgence in permitting my objection to be heard, particularly in light of the far-reaching consequences which are currently at play).*

**(Szaliewicz Continues)** Additionally, on July 9, 2023, plaintiff filed a letter seeking leave to file a motion for sanctions based on defendant's willful violation of the Court's Pseudonym Order on July 7, 2023.

**(Ira Heller Comment:** *I believe I addressed this issue in one of my recent communications to the Court. If any documents were submitted to the Court improperly redacted, I assure the Court that it was entirely unintentional, as I do recall meticulously redacting the two exhibits [which were copies of the two temporary restraining Orders, Exhibits A and B]. Nevertheless, the documents were subsequently sealed by the Court, leaving me unable to view them. If there was an error or errors, I beg the Court's indulgence, and thank the Court for its understanding.*

Respectfully submitted,

DANIEL SZALKIEWICZ & ASSOCIATES, P.C.  
/s/ Daniel S. Szalkiewicz  
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